

Message Text

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PAGE 01 BAGHDA 01639 090820Z
ACTION NEA-10

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R 080942Z AUG 78
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INFO SECSTATE WASHDC 6562
AMEMBASSY ABU DHABI
A/AMEMBASSY JIDDA 1157
AMEMBASSY KUWAIT
AMEMBASSY TEHRAN

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E.O. 11652: N/A
TAGS: BDIS, IF, IZ
SUBJECT: FLEXI VAN CORPORATION

REF: (A) USDOC 12932, (B) BAGHDAD 1513

1. DIRECTOR OF FAR EAST DIVISION, IRAQI STATE ENTERPRISE FOR MARITIME AGENCIES (SEMA) IN BASRAH, STATES THAT FLEXI VAN EQUIPMENT IN BASRAH CONSISTS OF ONLY TWO CONTAINERS. NO TRAILERS OR CHASSIS. TOTAL OF PFEL EQUIPMENT HELD BY SEMA IS 29 LASH BARGES AND 24 CONTAINERS WHICH SEMA PLANS TO AUCTION IN ORDER TO PARTIALLY OFFSET UNSETTLED CLAIMS AGAINST PFEL.

2. SEMA OFFICIAL SAID THAT CLAIMS AROS FROM INCIDENT TWO YEARS AGO WHEN PFEL SHIP OFFLOADED LASH BARGES AT BASRAH UNDER AVSERSE WEATHER CONDITIONS. FOUR BARGES SANK AND CARGO ON REMAINDER SUFFERED EXTENSIVE DAMAGE FROM SEA WATER. CONSIGNEES IN IRAQ HAVE PRESENTED CLAIMS OF APPROXIMATELY 1.3 MILLION DOLLARS. SEMA STATES THAT PFEL REFUSED TO HONOR CLAIMS AND THAT AS A RESULT IRAQI COURTS HAVE FOUND
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SEMA LIABLE FOR DAMAGES AS AGENTS FOR PFEL.

3. SEMA PLANS TO INITIATE LAWSUITS AGAINST PFEL IN BOTH U.S. AND IRAQI COURTS IN ATTEMPT TO RECOVER LOSSES. IN ADDITION, SEMA IS INITIATING PROCESS THROUGH IRAQI COURTS TO SELL ALL EQUIPMENT OWNED BY OR LEASED TO PFEL AT PUBLIC AUCTION. THIS WILL INCLUDE THE TWO FLEXI VAN CONTAINERS.

SEMA OFFICIAL SAID HE DID NOT KNOW HOW SOON AUCTION COULD BE
ARRANGED BUT EXPRESSED OPINION THAT OBTAINING NECESSARY
LEGAL APPROVAL WOULD BE LENGTHY PROCESS. HE ADDED THAT
SEMA WOULD RELEASE NO EQUIPMENT IN BASENCE OF SATISFACTORY
FINANCIAL SETTLEMENT WITH PFEL.

4. THE FOLLOWING ARE NAMES OF SEVERAL ENGLISH SPEAKING
IRAQI LAWYERS WHO SPECIALIZE IN COMMERCIAL LAW SHOULD
FLEXI VAN WISH TO PURSUE THE MATTER THROUGH IRAQI COURTS:

AHMAD M. AL-ARAJI
FATIMAH BUILDING
SOUTH GATE
BAGHDAD, IRAQ
TEL: 888313 AND 5517616

LOUIS M. AYER
NO. 61/A-10/21 RAKHAITA
KARRADA SHARKIYA
BAGHDAD, IRAQ
R
TEL: 8889157

NURI YABA DEZAIE
SHAAHEEN BUILDING
SAADOUN STREETN
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BAGHDAD, IRAQ
TEL: 95609, 7712764

5. IF FLEXI VAN OR PFEL REPRESENTATIVES PLAN TO VISIT
IRAQ IN CONNECTION WITH THE MATTER, WE STRONGLY URGE
THAT THEY CALL ON USINT BEFORE CONTACTING SEMA OR OTHER
IRAQI AGENCIES.

6. DECONTROL UPON RECEIPT.
PECK

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Disposition Approved on Date:
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Review Exemptions: n/a
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